IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2806 of 2006

SMT.ANAND KANWAR & ANR.
V/S
LRS OF LATE PREM CHAND SONI & ORS.

Mr. MANISH SISHODIA, for the appellant / petitioner

Mr. M.K. THANVI, Mr. DILIP MOOLCHANDANI, for the respondent

Date of Order : 24.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

By the impugned order, the learned trial Court has dismissed the petitioners' application for impleadment as party in the suit for eviction filed by the plaintiffs against the tenant. The petitioners' claim is, that the plaintiffs had sold the property to one Damyanti Devi on 12.7.71, and from Damyanti Devi the petitioners have purchased the property by registered sale deed dated 13.10.71, and therefore, the petitioners claim to be impleaded as party.

While examining the question, as to whether the petitioners are entitled to be impleaded as party or not, it was informed, rather it was pleaded in the reply, that the present petitioners have already filed a suit in the

Court of District Judge, Jodhpur, which is pending in the Court of Addl. District Judge No.2, Jodhpur, as Civil Original Suit No.57/05, and that is the suit for possession filed by the petitioners, against the present plaintiffs.

In my view, in the totality of circumstances, it would be imminently just and proper, that the two suits, one being the present one filed by the plaintiffs against the tenant, and the other one, being filed by the petitioners against the plaintiffs, be consolidated.

Since it is informed that the suit filed by the petitioners is pending in the Court of Addl. District Judge No.2, while the present suit is pending in the Court of Civil Judge (J.D.), City Jodhpur, exercising powers under Section 24 CPC, this suit No.20/96 pending in the Court of Civil Judge (J.D.), City Jodhpur is transferred to the court of A.D.J. No. 2 Jodhpur, and consolidated alongwith Civil Original Suit No.57/05 "Smt.Anand Kanwar & Anr. Vs. Smt.Basanti Devi & Ors." pending in the Court of Addl. District Judge No.2, Jodhpur. The learned Addl. District Judge No.2 is also directed to decide both the suits most expeditiously.

The writ petition is, accordingly, disposed of as above.

(N P GUPTA),J.

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